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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/754,227

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David James Whitaker

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03/13/2006

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EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,227

Applicant(s)

WHITAKER ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-24 is/are allowed.
- 6) ☒ Claim(s) 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. This Office Action is in response to amendment filed on 12/12/05. Claims 1-37 are presented for examination.
2. The IDS filed on 12/12/05 is considered by the Examiner.
3. The objection to Claim 36 is withdrawn in view of amendment.
4. The rejection to Claim 34 under 35 U.S.C. 112, second paragraph, is withdrawn in view of amendment.
5. The rejection under the judicially created doctrine of obviousness-type double patenting is withdrawn based on filing of terminal disclaimer.
6. Claims 1-24 are allowed.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2154

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 25-37 are rejected under 35 U.S.C. 102(e) as being anticipated by

Gervais et al. (US 5,856,974), hereinafter Gervais.

9. As to claims 25 and 26, Gervais discloses the invention as claimed, including a system for transporting data comprising:

a first domain (104, fig.1) comprising a first plurality of filters (routers; 130, 132, figs. 1-2; col. 1, lines 25-30) in a first communications channel (117, 118, 120, figs. 1-2), the first communications channel including a common portion (connection path shared by the nodes; col. 1, lines 17-24), a first terminal (123, figs. 1-2) coupled at one end of the first communications channel (118, figs. 1-2) (col. 2, lines 10-24), and a second terminal (126, figs. 1-2) coupled at another end of the first communications channel (120, figs. 1-2) (col. 2, lines 10-24), the first plurality of filters employing a first plurality of filtering criteria (routing information protocol; Integrated IS-IS protocols; col. 1, lines 45-51);

a second domain (304, fig. 3) comprising a second plurality of filters (312, 314, 328, fig. 3; col. 6, lines 46-53) in a second communications channel (320, 322, fig. 3), the second communication channel including the common portion (connection path shared by the nodes; col. 1, lines 17-24), a third terminal (346, fig.3) coupled at on end of the second communications channel (320, fig. 3), and a fourth terminal (node, fig. 3) coupled at another end of the second communications channel (fig. 3), the second

Art Unit: 2154

plurality of filters employing a second plurality of filtering criteria (routing information protocol; Integrated IS-IS protocols; col. 1, lines 45-51).

10. As to claims 27 and 28, Gervais discloses MAC address; IP address (col. 7, lines 1-30).

11. As to claims 29-32, Gervais discloses the plurality of filters includes routers (col. 1, lines 25-30).

12. As to claim 33, it is rejected for the same reasons set forth in claim 25 above.

In addition, Gervais discloses a plurality of managers (backbone; figs. 1, 3) each coupled to one of the first plurality of filters and the second plurality of filters, each of the plurality managers comprising means for configuring the one of the first plurality of filters and the second plurality of filters (col. 1, lines 17-30; col. 7, lines 42-58);

at least one control terminal coupled to the plurality of managers for controlling said plurality of managers (gateway; col. 7, line 42 – col. 8, line 13).

13. As to claims 34-37, Gervais discloses storing a configuration file for each of said first plurality of filters and each of the second plurality of filters (col. 1, lines 17-30; col. 7, lines 42-58); plurality of managers including respective management software (backbone inherently performs intelligent processing and knowledge processing; col. 1, lines 45-52); said control terminal does not include management software, but rather

Art Unit: 2154

includes communications software in communication with said management software (gateway; col. 7, line 42 – col. 8, line 13).

Conclusion

14. Applicant's arguments filed on 12/12/05 have been fully considered but they are not persuasive.

(1) Applicant asserts on page 11 of the Remarks that “applicants are claiming two different domains within a single system”.

The Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., two different domains **within a single system**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(2) Applicant further asserts that Gervais et al. does not teach or suggest the common portion that is included within the first domain and the second domain.

The Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., common portion that is **included within the first domain and the second domain**) are not recited in the rejected claim(s).

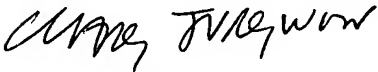
Art Unit: 2154

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jungwon Chang
March 6, 2006